



Cover Memorandum/Staff Report

File #: 19-465

Agenda Date: 5/21/2019

Item #: 6.D.

TO: Mayor and Commissioners
FROM: Tim Stillings, Development Services Department
THROUGH: Neal de Jesus, Interim City Manager
DATE: May 21, 2019

RESOLUTION NO. 101-19: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, PROVIDING FOR THE ABANDONMENT OF WATER AND SEWER EASEMENTS DEDICATED TO THE CITY OF DELRAY BEACH AS RECORDED IN THE BORTON MOTORS REPLAT, PLAT BOOK NUMBER 83, PAGES 137 THROUGH 138 OF THE OFFICIAL RECORDS OF PALM BEACH COUNTY, FOR THE SUBJECT SITE LOCATED AT 2201 N. FEDERAL HIGHWAY; THE DEDICATION OF WATER AND SEWER EASEMENTS TO REFLECT THEIR AS BUILT LOCATIONS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Recommended Action:

Motion to approve Resolution No. 101-19, as presented.

Background:

The subject property is a 4.79-acre site located at 2201 N. Federal Highway. On May 14, 1997, the Site Plan Review and Appearance Board (SPRAB) approved a site plan (1997-118) for a 3,866 sf, one-story automobile dealership building for Borton Volkswagen. On November 3, 1998, the Borton Motors Replat was recorded in Plat Book 83, Pages 137 through 138 of the Official Records of Palm Beach County, dedicating utility easements to the City of Delray Beach for water and sewer lines for the construction of the building.

On April 26, 2017, the SPRAB approved a Class V Site Plan modification (2017-009) for demolition and the construction of a new 31,035 sf, one-story automobile dealership building with a three-level parking garage for Gunther Volvo on the subject site. On July 7, 2017, building permit #17-00170536 was issued for the construction of the new building.

On June 6, 2018, the Development Service Department received an abandonment of easement application to vacate portions of the existing easements and dedicate new replacement easements. The utility design for the new auto dealership required a reconfiguring of the water and sewer lines on site, which requires the abandonment of portions of the existing easements and dedications of new replacement easements more specifically listed in Exhibit "A."

The application was reviewed in accordance with LDR Section 2.4.6.(N). Abandonment of public easements. In accordance with the City of Delray Beach Land Development Regulations (LDR) Section 2.4.6 (N)(1), a general utility easement dedicated to the City or to the Public may be

abandoned. Abandonment of such easements may be granted by a formal resolution enacted by the City Commission (see attached).

LDR Section 2.4.6.(N)(5), Prior to granting an abandonment the City Commission must make the following finding:

- a) That the abandonment will not result in detriment for the provision of utility services to adjacent properties or the general area.

The LDRs provide that conditions, such as replacement easements, may be imposed upon an abandonment. The proposed abandonment application includes replacements easements (see Exhibit "B") due to the reconfiguration of the water and sewer design for the new automotive dealership. As such, a positive finding can be made in regard to this request for abandonment, thus staff is recommending approval.

City Attorney Review:

Approved as to form and legal sufficiency.

Funding Source/Financial Impact:

N/A

Timing of Request:

N/A